

**5-1**

**Staff Report**  
**San Luis Obispo County Airport Land Use Commission**

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**DATE:** January 18, 2006

**TO:** AIRPORT LAND USE COMMISSION

**FROM:** BILL ROBESON, COUNTY PLANNING AND BUILDING

**REFERRING AGENCY:** COUNTY OF SAN LUIS OBISPO:  
Karen Nall, Planner; Applicant, Brave Oak Vineyard LLC;  
County File Numbers: S030198P/CO 03-0384

**SUBJECT:** A VOLUNTARY REFERRAL FOR DETERMINATION OF CONSISTENCY OR INCONSISTENCY FOR A PARCEL MAP/SUBDIVISION OF ONE (1) 89.7 ACRE PARCEL INTO TWO (2) PARCELS OF 43.5 ACRES AND 46.2 ACRES.

THE SUBJECT SITE LOCATED AT 9775 AIRPORT ROAD, APPROXIMATELY 1,300 FEET NORTH OF THE INTERSECTION OF AIRPORT ROAD AND WELLSONA ROAD (SEE ATTACHED VICINITY MAP) AND IS LOCATED IN PASO ROBLES MUNICIPAL ALUP SAFETY ZONES 3 AND 4.

**RECOMMENDATION**

Recommend a determination of Consistency to the County of San Luis Obispo for the subdivision of the parcel into 2 resulting parcels, based on the following:

**Finding:**

The subdivision of the parcel will not result in an increase in the number of residential dwelling units in the Planning Area because the existing parcel is entitled (and was entitled under the General Planning and Zoning in effect as of January 25, 2005) to have 2 Primary Residences and 2 Farm Support Residences. The 2 newly subdivided 43.5 acre and 46.2 acre parcels will only be allowed to have 1 Primary Residence and 1 Farm Support Residence per parcel. All other applicable Paso Robles Municipal Airport Land Use Plan (ALUP) policies are satisfied. Therefore, it is consistent with the adopted ALUP.

**PROJECT DESCRIPTION**

Proposal: Voluntary referral for determination for a subdivision of a single lot into 2 lots.

**Paso Robles Municipal Airport Plan**

Airport Land Use Areas: The site for the proposed subdivision is located in Safety Zones 3 and 4. The site is approximately 1 mile from the 55dB noise contour (outside of all noise contours). The Aircraft Flight Paths that affect this parcel are – A01-2 (LEFT DOWNWIND ARRIVAL, RUNWAY 1)

**Policies G-1, S-2, and O-1** are applicable to this site. The following is a list of the policies:

#### 4.3 GENERAL LAND USE POLICIES

Notwithstanding any other provision of this ALUP, a proposed general plan or general plan amendment, specific plan or specific plan amendment, zoning ordinance or zoning ordinance amendment, building regulation modification, or individual development proposal will be determined to be inconsistent with the ALUP if:

a. **Policy G-1:** The proposed local action would create or permit new residential development in the Planning Area. Residential development is an undesirable land use within the Planning Area. It is the intent of the ALUP to prohibit further subdivision of land or changes to land use zoning that would result in an increase in the number of residential dwelling units within the Planning Area. Existing parcels that are entitled, as of the date of adoption of this amendment, to be occupied by existing or new residential dwellings under the current General Plan, Zoning, or other applicable regulations shall not, however, be considered inconsistent with the ALUP under this policy.

##### 4.5.3. Safety Policies

b. **Policy S-2** - Would permit or lacks sufficient provisions to prohibit any new residential development within the Airport Planning Area, with the exceptions of:

- i. existing entitlement allowed under General Planning and Zoning in effect as of January 25, 2005
- ii. developments which meet the criteria delineated in Section 4.2.4 for designation as infill
- iii. caretaker and secondary dwelling units in zones where such are designated as allowable by the Land Use Compatibility Matrix (Section 5).

##### 4.7.2 Overflight Policies

a. **Policy O-1** - Notwithstanding any other provision of this ALUP, any proposed general plan, general plan amendment, specific plan, specific plan amendment, zoning ordinance, zoning ordinance amendment, building regulation modification, or individual development proposal will be determined to be inconsistent with the ALUP if the proposed local action lacks sufficient provisions to ensure that:

- i. aviation easements will be recorded for all properties within the scope of the proposed local action; or
- ii. all owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) will receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area.

#### Setting

Existing Use: 2 residences, barns and horse arenas  
Site Area: 10.59 acres

#### DISCUSSION

It is clearly the intent of the ALUP to prohibit new residential development in the Airport Review area (AR). In that regard, subdivisions of land that would accommodate additional

dwelling units are seen as inconsistent with the ALUP. However, Policies G-1 and S-2 say that if a property was entitled (under the General Plan and Zoning in effect as of January 25, 2005), in this case, to have two dwelling units and two Farm Support Residences, then the property owner is allowed to have those dwelling units and is not considered inconsistent with the ALUP. Furthermore, it is the intent of the ALUP to prohibit further subdivision of land or changes to land use zoning that would result in an increase in the number of residential dwelling units within the Planning Area.

The subject parcel is entitled to two (2) primary residences and two (2) Farm Support residences. The resulting split will be required to remain at a density of two (2) primary residences and two (2) Farm Support Residences (1 primary residence and 1 Farm Support residence per parcel). Therefore, the determination of consistency is appropriate because the subdivision will not "...increase the number of residential dwelling units within the Planning Area." A condition of approval limiting the residential density to 1 primary residence per parcel and 1 Farm Support residence per parcel will carry over to the Parcel Map/Subdivision staff report that will go to the Subdivision Review Board (SRB) for approval.

**Recommendation**

Staff advises your Commission to determine that the proposed subdivision be found consistent with the ALUP, because all policies (General Land Use Policies, Noise Policies, Safety Policies, Airspace Protection Policies and Overflight Policies) can be met based on the conditions set by your Commission. (See page 4 for Conditions)

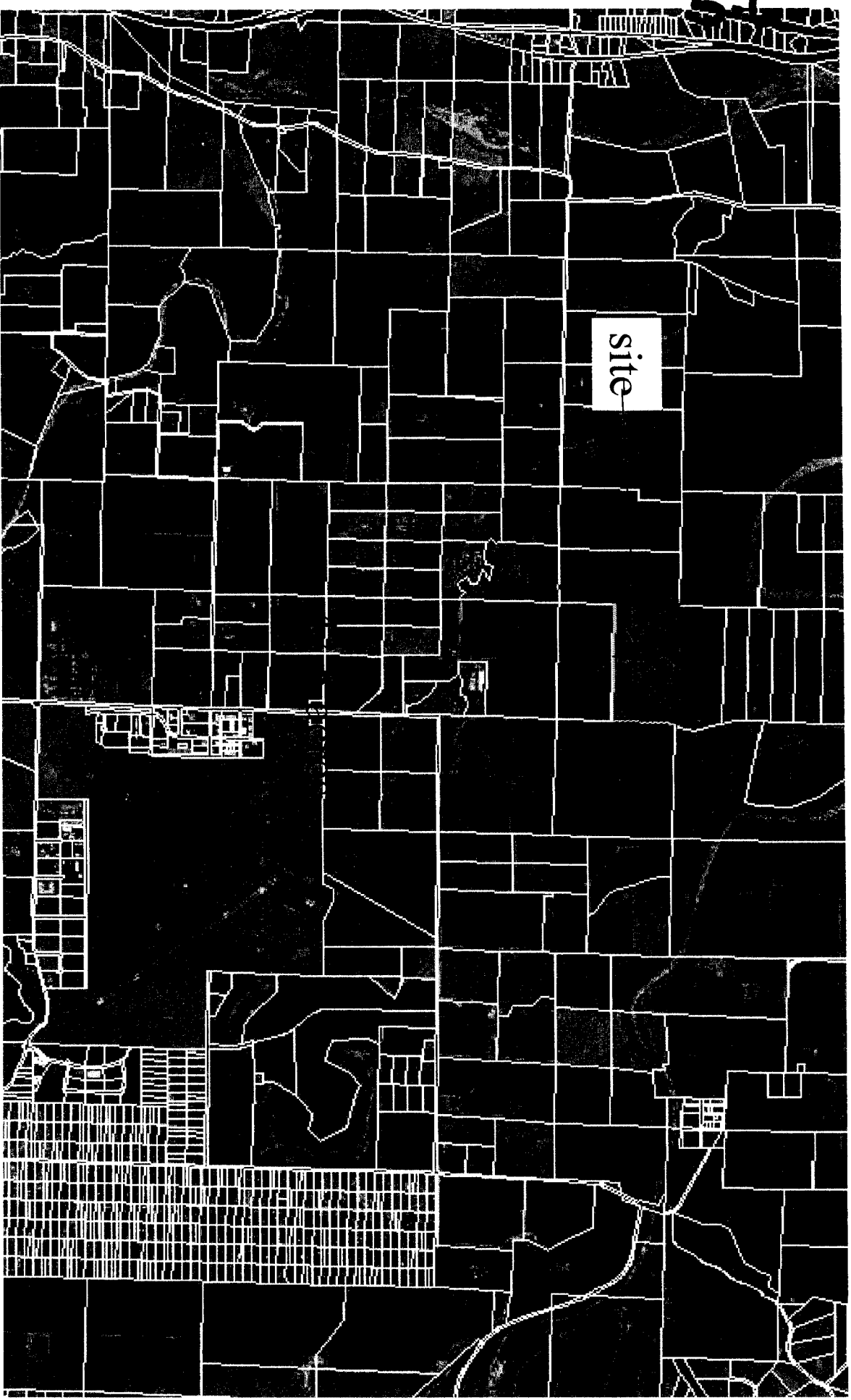
**Conditions of Consistency Determination**

The following conditions are required as part of the determination process by the ALUC. All future and associated permits with the Brave Oak Parcel Map are required to meet all conditions set herein.

1. The newly created lots from this Parcel Map subdivision will have a maximum residential dwelling unit density of 2 residences per parcel. Each parcel is allowed a single "Primary Residence" and a single "Farm Support Residence".
2. A Disclosure Document shall be recorded on each parcel notifying future property owners that each parcel will need to be developed in accordance with the Airport Land Use Plan and meet all conditions set by the ALUC. The Disclosure Document will include wording to ensure that all owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area.
2. Avigation easements will be recorded for all properties created by any associated subdivision of the subject parcel. If no subdivision takes place any future development will be required to obtain and record the appropriate avigation easements.

**Brave Oak Parcel Map –  
Proposal to subdivide an  
existing 89.7 acre Ag parcel into  
2 parcels of 43.5 acres and 46.2  
acres**

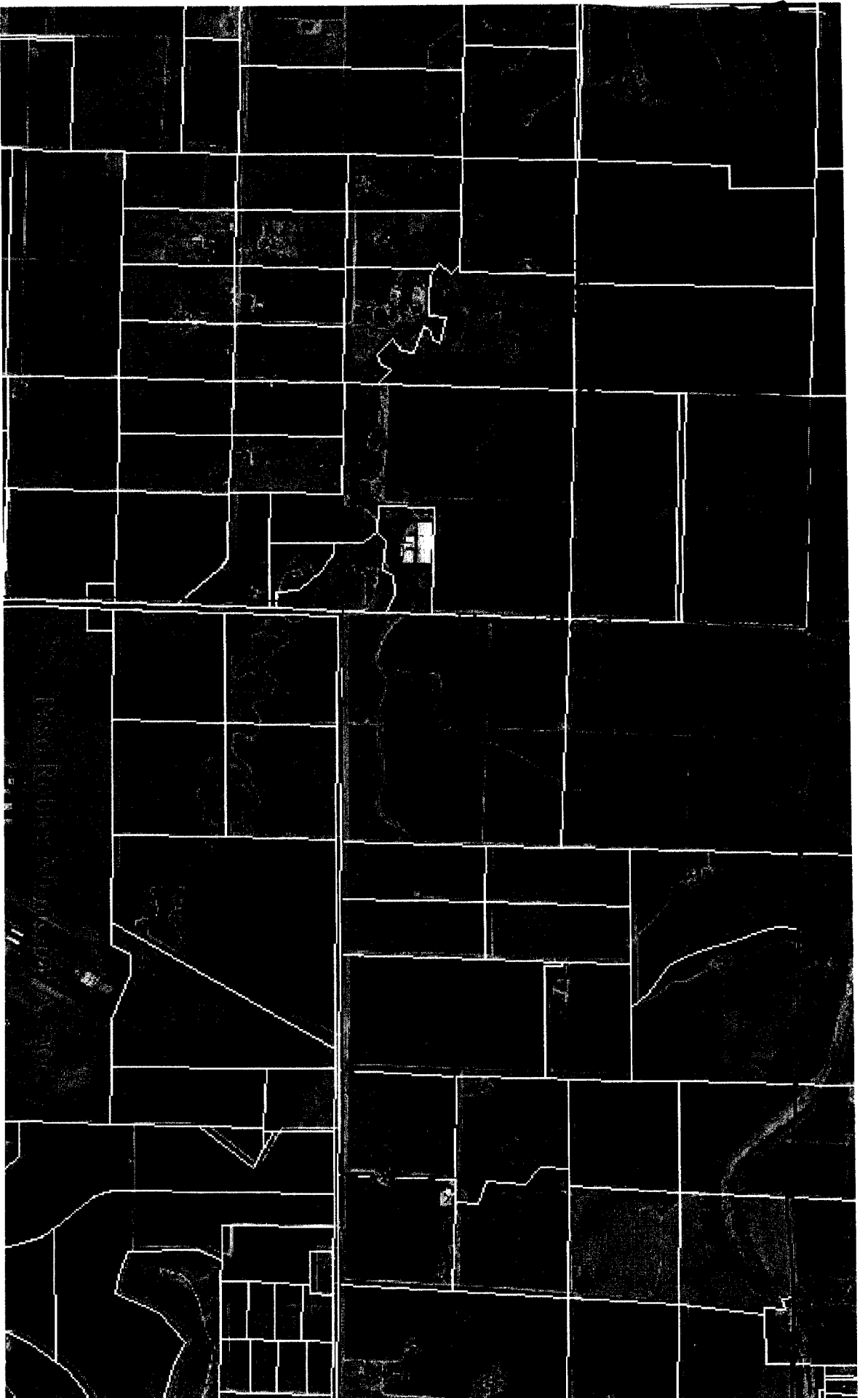
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Brave Oak lot split

Brave Oak – 2 lot parcel split – 80 acre parcel to two(2) 40 acres lots  
Will remain Ag zoned

Brave Oak lot split



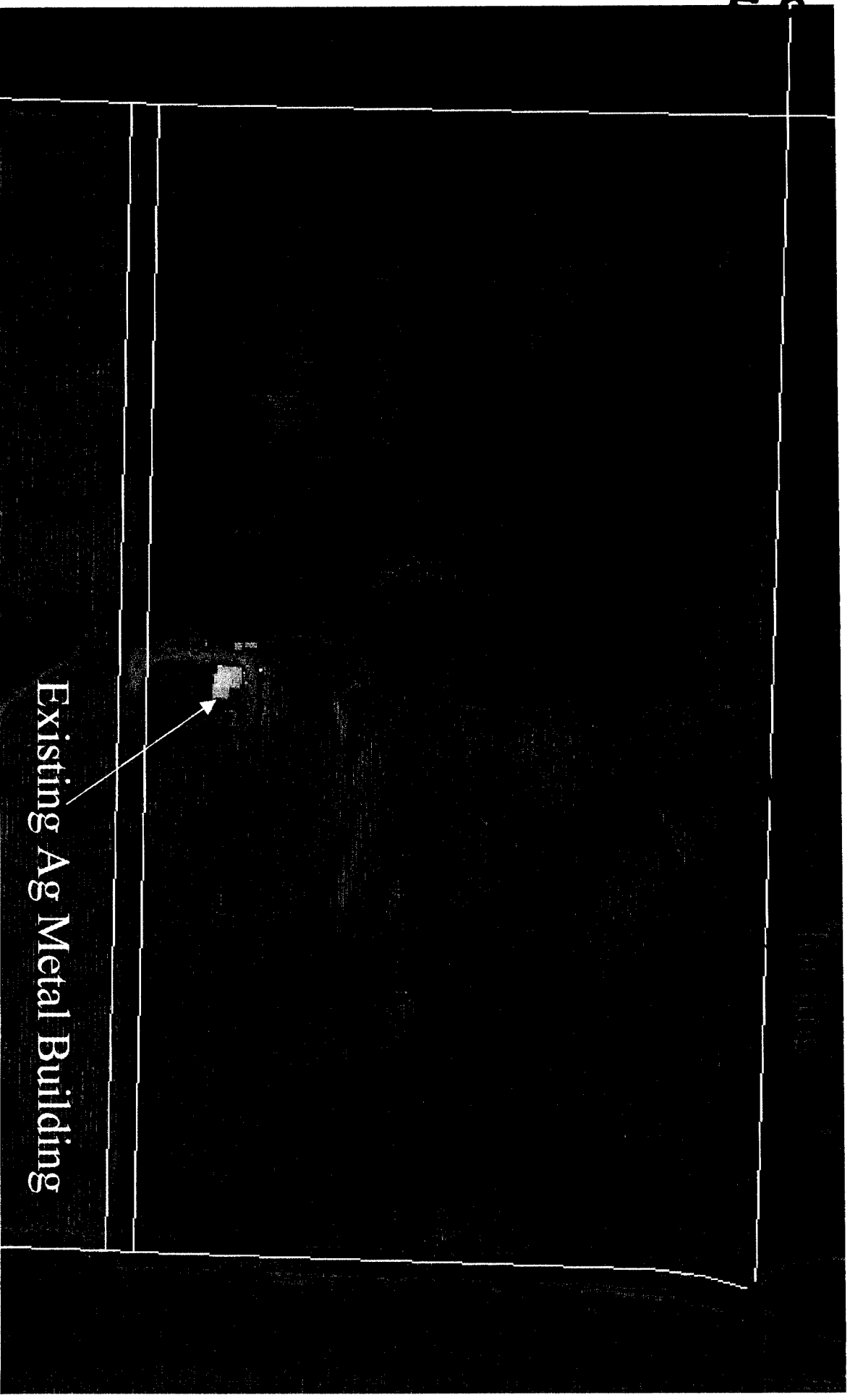


Brave Oak lot split

Projected Center Line of Runway 1





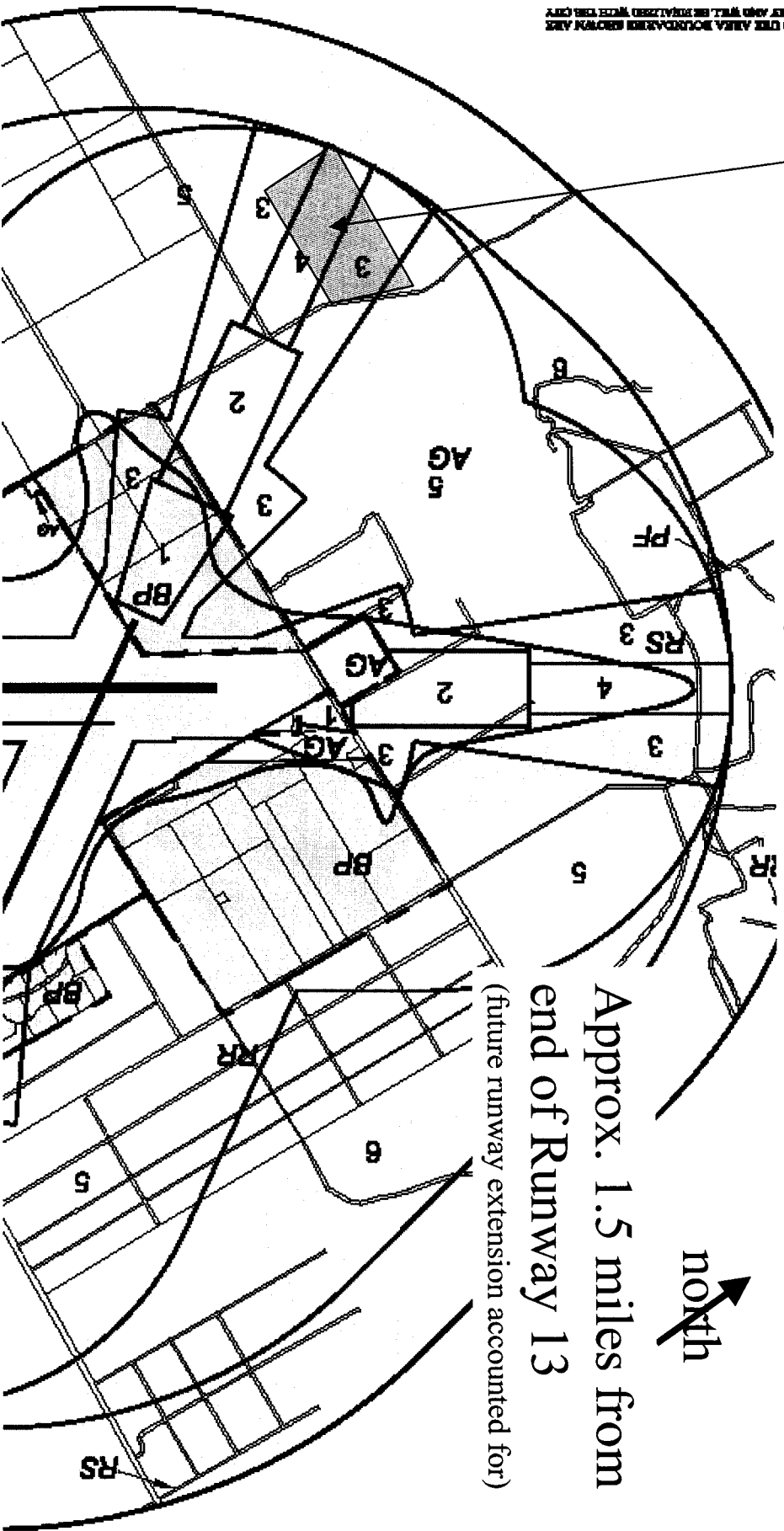


### Brave Oak Lot Split

Parcel split will result in 2 parcels – lot 1 = 43.5 acres and lot 2 = 46.2 acres. There are no existing residences.

THE LAND USE AREA BOUNDARIES SHOWN ARE APPROXIMATE AND WILL BE REVISITED WITH THE CITY

Brave Oak lot split



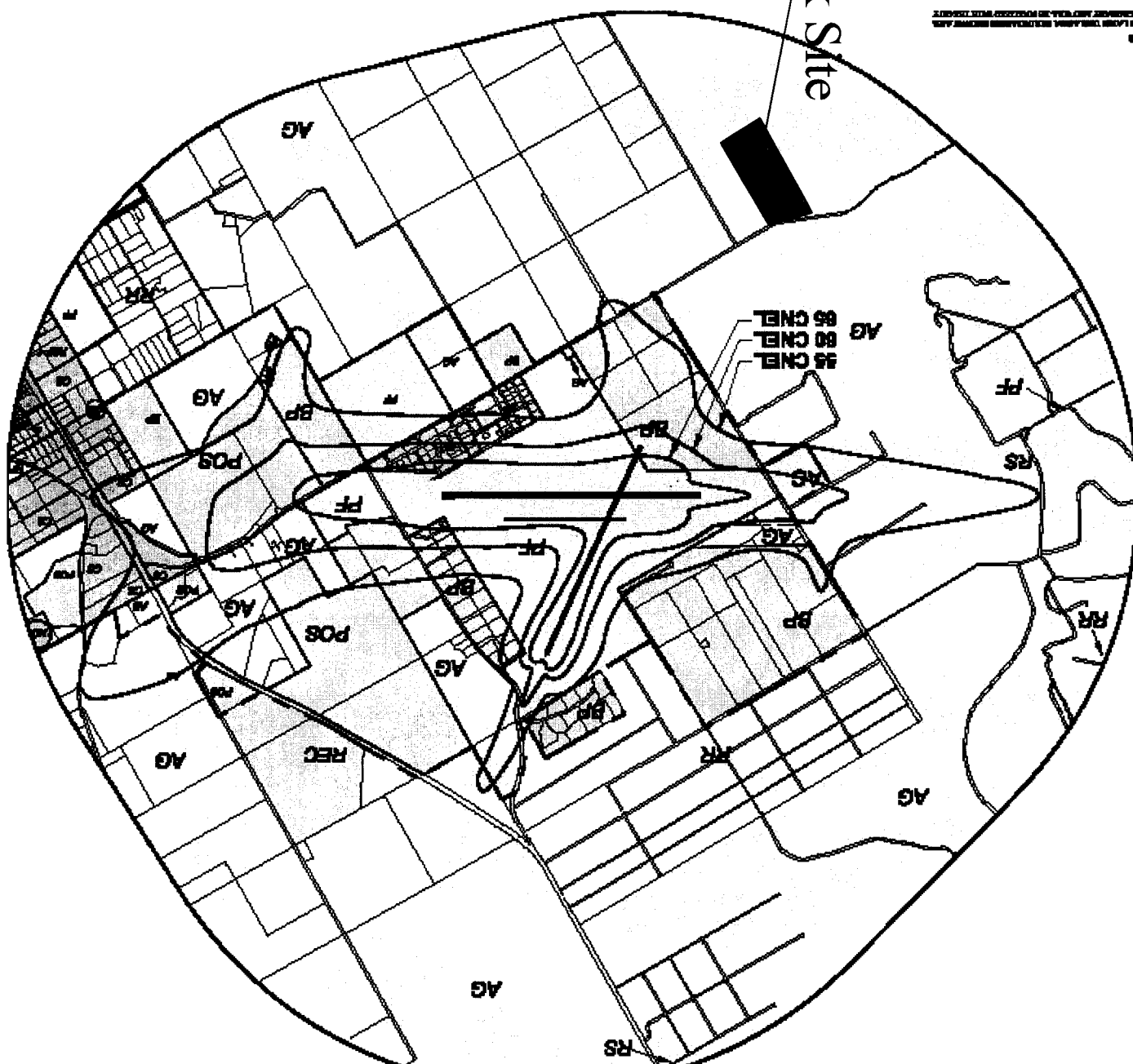
Approx. 1.5 miles from  
end of Runway 13  
(future runway extension accounted for)

site Located in Safety Zones 3 and 4

north

# Brave Oak Site

THIS MAP IS A SUMMARY OF THE DATA AVAILABLE AT THE TIME OF THE INVESTIGATION. IT IS NOT A COMPLETE RECORD OF THE DATA AVAILABLE AT THE TIME OF THE INVESTIGATION.





## SAN LUIS OBISPO COUNTY

# AIRPORT LAND USE COMMISSION

Chairman: Roger Oxborrow  
 Commissioners: James Gleim  
 Jim Heggarty  
 Terry Orton  
 Richard Pottratz  
 Robert Tefft  
 Gerrit Vanderziel

### COURTESY NOTICE OF HEARING

- WHO:** AIRPORT LAND USE COMMISSION
- WHEN:** Wednesday, January 18, 2006, at 1:30 p.m.
- WHAT:** Hearing to consider a voluntary referral by the **COUNTY OF SAN LUIS OBISPO** (Karen Nall, Project Manager; Applicant: Brave Oak Vineyard LLC; County File Numbers: S030198P/CO 03-0384) for a determination of consistency or inconsistency with the Paso Robles Airport Land Use Plan for a Parcel Map/Subdivision of one (1) 89.7 acre parcel into two (2) parcels of 43.5 acres and 46.2 acres. The subject site is located at 9775 Airport Road, approximately 1,300 feet north of the intersection of Airport Road and Wellsona Road (see attached vicinity map) and is located in Paso Robles Municipal Airport Land Use Plan Safety zones 3 and 4.
- WHERE:** San Luis Obispo County Board of Supervisor's Chambers, New County Government Center, 1055 Monterey Street, Room D170, San Luis Obispo, California. At the hearing all interested persons may express their views for or against, or to change the proposal.
- FOR FURTHER INFORMATION:**  
 You may contact **Bill Robeson**, Airport Land Use Commission Planner, in the San Luis Obispo County Department of Planning and Building, County Government Center, San Luis Obispo, California 93408. (805) 781-5600.

**\*\* This is a courtesy notice of the Airport Land Use Commission's discussion of the above project. The Airport Land Use Commission will review the project and make recommendations to the referenced city or county as they feel the project relates to airport compatibility.**

**DATED:** January 11, 2006

**Cc:** Karen Nall/Co of SLO  
 Brave Oak Vineyard, LLC  
 Vaughan Surveys, Inc

Chris Macek, Secretary  
 Airport Land Use Commission